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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,238	05/02/2001	Tohru Kimura	02860.0678	7411
22852	7590	06/25/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			HINDI, NABIL Z	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 06/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/846,238	KIMURA ET AL.
	Examiner NABIL Z HINDI	Art Unit 2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 41-48 is/are allowed.
- 6) Claim(s) 1-3,5-9,12-14,16-19,21,24,26,35,36 and 40 is/are rejected.
- 7) Claim(s) 4,10,11,15,20,22,23,25,27-34 and 37-39 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 6, 8, 9, 16-18 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 00/23841.

The reference shows an optical disk reading apparatus comprising: a light source 19, a converging means for focusing the light beam into a disk 16, 20, 15, 14, 21 and 1, photo detection means (inherently present) wherein the converging means having a at least a plastic lens for spherical correction as shown in element 21.

With respect to the limitations of claim 2 and 3 see element 21.

Whit respect to the limitations of claims 5, 6, 8, 9, and 16-18 see figs 11 and 12 having first and second lenses movable with respect to each other as shown by elements 2 and 3.

Claims 1, 2, 3, 5-7, 36 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Arai et la (6049519).

The reference shows the use of an optical disk reading apparatus comprising a light source and photo detection means 11, 12, 19, a converging means having a first and second lenses for spherical correction 13 and 16.

With respect to the limitations of claims 2, 3, 5-7 and 36 see fig 62 having a first and second lenses 13 and 16 movable with respect to each other by element 21.

Claims 1, 2, 12, 13, 16, 19, 21, 24, 26, 35, 36 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Maruyama (6191889).

The reference shows an optical disk reading apparatus comprising: a light source and photo detection means (inherently present), and a converging element D, 10-12 for spherical correction of the light beam.

With respect to the limitation of claim 2. the reference shows the use of an objective lens 10 movable in the focusing direction.

With respect to the limitations of claims 12 and 13. the element 10 is a spherical lens made of plastic.

With respect to the limitations of claims 16, 19, 21, 24, 26 35 and 36. the reference shows the use of a spherical lens 10 having diffraction grating 11.

Claims 1, 14, 16, 24, 26, 35, 36 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Braat (6317276).

The reference shows an optical disk reproducing apparatus comprising a light source and photo detection means 30, 50, a converging element having at least first and second lenses 10, 31 and 32 for spherical correction.

With respect to the limitations of claims 14, 16, 24, 26, 35 and 36. see figs 2-6 elements 10, 37, 38, 45, 46..etc.

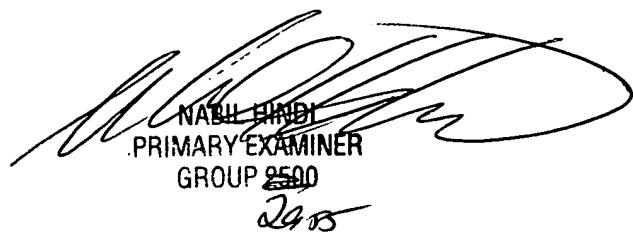
Claims 4, 10, 11, 15, 20, 22, 23, 25, 27-34 and 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows or teaches the limitations of each of the objected claims.

Claims 41-48 are allowed.

None of the cited prior art shows or teaches a spherical aberration correction elements having a positive lens group and negative lens group with aberration correction elements having the Abbe's numbers as claimed.

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (703) 308-1555.



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24/05